

Civil Responsibility on Skiing Slopes

Abstract

This diploma thesis deals with civil liability on skiing slopes. Besides gathering valid standards in the Czech Republic, it also provides insight into foreign legal systems with the greatest emphasis on the French regulation and legal system. A part of the thesis is devoted to the rules of the International Ski Federation, which are widely respected important source of rules in skiing. Examples of their application are illustrated with the case law that inferred their validity, while in other countries the rules were reflected directly in legislation.

In the first chapter there is a general anchoring of responsibility in Czech civil law, followed by a brief excursion into the sports law of individual sports, in the third chapter we find a summary of legal and non-legal regulations that apply to activities on domestic skiing slopes, including a bill that in the end did not pass in the Chamber of Deputies. The FIS rules of conduct are introduced by the story of their genesis and international cooperation on their final wording, followed by an official commentary issued by the International Ski Federation for the reason of clarification and interpretation. In the fourth chapter follows the analysis of the application of FIS rules by judicial authorities using examples from Czech, German and Austrian case law. The aim of the end of the fourth and the whole fifth chapter is to present a possible way of transposing the FIS rules into national law, as was realized in Italy and Slovakia, these acts often also regulate safety of young skiers, duties of the skiing resort operator or activity of mountain rescue service.

The last chapter is devoted to comparison with France, firstly the general regulation of responsibility during practicing sport in the French Civil Code, then there is a focus on the responsibility during skiing supplemented with numerous examples from French doctrine and case law. The most frequently applied rule here is the rule of the priority of a forward skier who has the right to choose a path; a following skier must not endanger this skier by his/her movement.

Key words: civil responsibility, sport law, skiing slopes, FIS rules of conduct, French civil law